

REMARKS/ARGUMENTS

The examiner has allowed claims 14 through 21. Furthermore, the examiner has acknowledged that claims 5-9 and 13 are directed to allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 and 10 have been amended to more accurately define the invention claimed.

Prussin et al. (United States Patent No. 3,442,424) discloses a multiple compartment collapsible tube. The collapsible tube has an internal piston dividing the tube into two compartments. The piston is moved along the axial direction toward the discharge end of the tube to sequentially dispense two different compositions in the collapsible tube. It is essential that the piston is constructed so that it can be moved along the length of the tube from a normal, initial position intermediate the ends to a final position at the discharge end of the tube. No bending of the tube is desired or disclosed. Furthermore, bending of the tube may actually cause the piston to rotate within the tube and disable its desired function.

Wirt (United States Patent No. 5,658,084) discloses a liquid applicator with frangible ampoule. A frangible ampoule containing liquid is disposed inside a hollow elongate member. The ampoule is supported and protected by a deformable element contained within the hollow elongate member. The applicator is actuated by pushing the frangible ampoule through an aperture in the deformable element and into contact with a wedge for breaking the ampoule to release the liquid. The frangible ampoule is moved in the axial direction toward the end of the hollow elongated member to dispense the liquid in the ampoule. It is essential that the ampoule

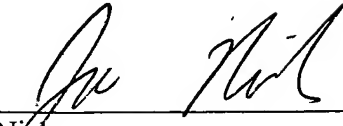
is constructed so that it can be moved along the length of the hollow elongated member for the Wirt applicator to function as disclosed. No bending of the tube is desired or disclosed.

Applicant's claimed invention is an enclosed opening means for an elongated tubular housing. The elongated tubular housing has a sealed end and an open end. A fluid is disposed near the sealed end of the elongated tubular housing. The enclosed opening means comprises of a cylinder with an open end and a sealed end. The cylinder has a sealing diameter that is approximately that of the inside diameter of the elongated tubular housing. The sealing diameter provides a seal to prevent the release of the fluid from between the elongated tubular housing and the enclosed opening means. The cylinder has an outside diameter at the sealed end that is smaller than the inside diameter of the elongated tubular housing. A fracture line is provided near the sealed end of the cylinder at a location on the other side of the sealing diameter where the fluid is disposed. The enclosed opening means is affixed in the elongated tubular housing with the open end towards the fluid thereby sealing the fluid within the elongated tubular housing. The enclosed opening means does not move relative to the elongated tubular housing. Furthermore, the enclosed opening means is operated by bending the elongated tubular housing instead of moving the enclosed opening means along the length of the elongated tubular housing.

Applicant hereby submits that the claim rejections under 35 U.S.C. §112, first paragraph, and the claim rejections under 35 U.S.C. §102(b) have all been overcome. Therefore, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Application No.: 10/728,701
Amendment dated: March 8, 2006
Reply to Office Action of: September 9, 2005

Respectfully submitted,

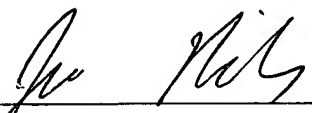
A handwritten signature in black ink, appearing to read 'Joe Nieh', is written over a horizontal line.

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